

St. Louis City Ordinance 63359

FLOOR SUBSTITUTE

BOARD BILL NO. [94] 307

INTRODUCED BY ALDERMAN PAUL BECKERLE , JACK GARVEY

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in the westernmost 50 feet of the 15 foot wide east/west alley in City Block 4169E bounded by Tholozan, Morganford, Beck and Ridgewood; the westernmost 100 feet of the 15 foot wide east/west alley in City Block 4170E bounded by Beck, Morganford, Chippewa, and Ridgewood; and Ridgewood between Beck and Chippewa in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land located in City Block 4169 East of the City of St. Louis, Missouri and being part of a 15 foot wide alley as shown upon the plat of Frederick Becks Subdivision of the Tholozan Tract of the St. Louis City Land Records and being more particularly described as follows:

Beginning at the southwest corner of lot 2 of block 1 of said Frederick Becks Subdivision; thence south 82 degrees, 26 minutes, 06 seconds east, a distance of 50.00 feet to the southeast corner of said lot 2; thence south 07 degrees, 54 minutes, 08 seconds west, a distance of 15.00 feet to the northeast corner of lot 77 of block 1 of said Frederick Becks Subdivision; thence north 82 degrees, 26 minutes, 06 seconds west, a distance of 50.00 feet to the northeast corner of said lot 77; thence along the east right-of-way of Ridgewood Avenue (50 feet wide), north 07 degrees, 54 minutes, 08 seconds east, a distance of 15.00 feet to the point of beginning, containing 750 square feet, more or less.

A tract of land being part of Ridgewood Avenue as shown upon the plat of the opening of Ridgewood, as recorded in plat book 25, page 35 of the Land Records of the City of St. Louis, Missouri, bounded on the north by the south line of Beck Avenue, bounded on the east by the west line of City Block 4170 East, bounded on the south by the north line of Chippewa Street, and bounded

on the west by the east line of City Block 4170 West, and being more particularly described as follows:

Beginning at a found railroad spike at the southeast corner of City Block 4170 West, said spike also being at the southeast corner of a tract of land conveyed to Kwik Copy in deed book 473, page 482 of said land records; thence northerly along the east line of said City Block 4170 west and the west right-of-way of Ridgewood Avenue north 07 degrees, 54 minutes, 08 seconds east, a distance of 423.70 feet to a found "X" mark cut into concrete at the northeast corner of said City Block 4170 west, said "X" also being at the northeast corner of a tract of land as conveyed to Kings Associates in deed book 330, page 560 of said land records; thence easterly along the south line of Beck Avenue (50 feet wide), south 82 degrees, 26 minutes, 06 seconds east, a distance of 50.00 feet to a point being the northwest corner of City Block 4170 east and also being the northwest corner of lot 2 of block 2 of Fred Becks Subdivision of the Tholozan Tract; thence southerly along the west line of said City Block 4170 east and along the east line of said Ridgewood Avenue, south 07 degrees, 54 minutes, 08 seconds west, a distance of 424.14 feet to a point being the southwest corner of said City Block 4170 east and the southwest corner of lot 71 of Block 2 of said Fred Becks Subdivision of the Tholozan Tract; thence westerly along the north line of Chippewa Street (80 feet wide), north 81 degrees, 56 minutes, 08 seconds west, a distance of 50.00 feet to the point of beginning.

A tract of land located in City Block 4170 East of the City of St. Louis and being part of a 15 foot wide alley as shown upon the plat of Fred Becks Subdivision of the Tholozan Tract of the Land Records of the City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at the southwest corner of lot 2 of block 2 of said Fred Becks Subdivision; thence easterly south 82 degrees, 26 minutes, 06 seconds east, a distance of 100.00 feet to the southeast corner of lot 3 of block 2 of said Fred Becks Subdivision; thence south 07 degrees, 54 minutes, 08 seconds west, a distance of 15.00 feet to the northeast corner of lot 70 of block 2 of said Fred Becks Subdivision; thence north 82 degrees, 26 minutes, 06 seconds west, a distance of 100.00 feet to the northwest corner of lot 71 of block 2 of said Fred Becks Subdivision; thence northerly along the east line of Ridgewood Avenue as shown upon the plat of opening of Ridgewood in plat book 25, page 35 of said land records, north 07 degrees, 54 minutes, 08 seconds east, a distance of 15.00 feet to the point of beginning.

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Petitioned by Southtown L.L.C. and Union Electric. Vacation will allow for consolidation of property to construct HomeQuarters retail store.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alleys/streets, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated alleys/streets provided however, all utilities within the rights- of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE: The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN: The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public

Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been complied with must be submitted to the Board of Public Service for acceptance 365 days (one year) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND

12/09/94	12/09/94	STR		
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
12/16/94			01/06/95	01/13/95
ORDINANCE	VETOED		VETO OVR	
63359				